

# Union Calendar No. 344

116TH CONGRESS  
2D SESSION

# H. R. 1380

**[Report No. 116–430]**

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2019

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. McNERNEY, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. MCCOLLUM, Mr. SCHIFF, Mr. RASKIN, Miss RICE of New York, Ms. BROWNLEY of California, Mr. McGOVERN, Mr. MALINOWSKI, Mr. SWALWELL of California, Mr. HASTINGS, Mr. CONNOLLY, Mr. SUOZZI, Mr. CARTWRIGHT, Mr. RYAN, Mr. SEAN PATRICK MALONEY of New York, Mrs. WATSON COLEMAN, Mr. GAETZ, Mr. GALLEGOS, Mr. CASTEN of Illinois, Ms. BLUNT ROCHESTER, Ms. WILSON of Florida, Mrs. NAPOLITANO, Ms. LEE of California, Mr. O'HALLERAN, Ms. MOORE, Mr. TED LIEU of California, Mr. KEATING, Mr. COHEN, Mr. CRIST, Mr. LOWENTHAL, Mr. TURNER, Mr. LYNCH, Mr. BEYER, Mr. KILMER, Mr. ZELDIN, Mrs. DAVIS of California, Ms. MENG, Mr. LANGEVIN, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. KRISHNAMOORTHI, Ms. JAYAPAL, Mr. MOULTON, Mr. RUPPERSBERGER, Ms. SPEIER, Mr. SERRANO, and Mr. GOMEZ) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 8, 2020

Additional sponsors: Mr. KENNEDY, Ms. CLARK of Massachusetts, Mr. DEUTCH, Ms. CASTOR of Florida, Mr. COLLINS of New York, Mr. KING of New York, Mr. DAVID SCOTT of Georgia, Ms. DELAURO, Mr. YARMUTH, Ms. KUSTER of New Hampshire, Mr. SCHNEIDER, Mrs. LOWEY, Mr. POCAN, Ms. TITUS, Mr. LOEBSACK, Mr. TIPTON, Ms. MUCARSEL-POWELL, Mr. GARCÍA of Illinois, Mr. TONKO, Mr. KIND, Ms. JUDY CHU of California, Mr. JOHNSON of Ohio, Mrs. CAROLYN B. MALONEY of New York, Mr. DESAULNIER, Mr. HIGGINS of New York, Ms. BONAMICI, Ms. HAALAND, Mr. SABLАН, Mr. VAN DREW, Mr. NEGUSE, Mrs. AXNE, Ms. PINGREE, Ms. DEAN, Mr. SMUCKER, Mr. GOTTHEIMER, Mr. SCHWEIKERT, Ms. SHALALA, Ms. WILD, Mr. HUFFMAN, Mrs. BEATTY, Mrs. FLETCHER, Mr. TRONE, Mr. PETERS, Mr. KIM, Mr. HARDER of California, Mr. LEVIN of California, Mr. CROW, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. SIRES, Ms. VELÁZQUEZ, Ms. UNDERWOOD, Mr. LAHOOD, Mr. TAKANO, Ms. SLOTKIN, Mr. CARBAJAL, Mr. ROUDA, Ms. HILL of California, Ms. SÁNCHEZ, Mr. CISNEROS, Mr. PAPPAS, Mr. CÁRDENAS, Mr. ROONEY of Florida, Mr. LAMB, Mr. BERA, Mr. MEEKS, Mr. HIMES, Mr. CORREA, Mr. NORCROSS, Mr. BILIRAKIS, Ms. BASS, Mr. CICILLINE, Mr. COSTA, Mrs. TRAHAN, Mr. WALTZ, Ms. LOFGREN, Mr. ESPAILLAT, Mr. FOSTER, Mrs. LAWRENCE, Mr. MORELLE, Ms. ESHOO, Mr. PALLONE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. NEAL, Mr. BUCHANAN, Mr. JEFFRIES, Ms. DELBENE, Mr. COOPER, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. BROWN of Maryland, Mr. PANETTA, Ms. FRANKEL, Mr. SOTO, Mrs. TORRES of California, Mr. LEVIN of Michigan, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. AGUILAR, Mr. SMITH of Washington, Ms. ESCOBAR, Mrs. LEE of Nevada, Ms. SCANLON, Mr. THOMPSON of Mississippi, Mr. SHERMAN, Mr. PRICE of North Carolina, Mr. ENGEL, Mr. LUJÁN, Mrs. McBATH, Mr. DELGADO, Mrs. MURPHY of Florida, Mr. CARSON of Indiana, Mr. PASCRELL, Mr. SARBANES, Ms. STEVENS, Ms. CRAIG, Mrs. HAYES, Mr. GREEN of Texas, Ms. CLARKE of New York, Mr. DANNY K. DAVIS of Illinois, Mr. CLEAVER, Mr. SCHRADER, Ms. WEXTON, Mr. NADLER, Ms. TORRES SMALL of New Mexico, Mrs. DEMINGS, Ms. SPANBERGER, Ms. HOULAHAN, Ms. PORTER, Mr. SCOTT of Virginia, Mr. ALLRED, Mr. LEWIS, Mr. COURTNEY, Mr. CUNNINGHAM, Mr. LARSON of Connecticut, Ms. PRESSLEY, Ms. DEGETTE, Ms. SCHRIER, Ms. MATSUI, Ms. GARCIA of Texas, Mr. RUSH, Mr. BISHOP of Georgia, Ms. BARRAGÁN, Mr. WOMACK, Mr. HORSFORD, Mrs. BUSTOS, Mr. EVANS, Mr. McEACHIN, Ms. KENDRA S. HORN of Oklahoma, Mrs. LURIA, Mr. STANTON, Mr. CLAY, Ms. SHERRILL, Mr. HECK, Ms. ADAMS, Mr. UPTON, Mr. PERLMUTTER, Mr. MCADAMS, Mr. BACON, Mr. KHANNA, Ms. DAVIDS of Kansas, Mr. SMITH of New Jersey, Ms. JOHNSON of Texas, Ms. TLAIB, Ms. FINKENAUER, Mr. VEASEY, Mr. DOGGETT, Mr. VARGAS, Mr. LAWSON of Florida, Mr. RUIZ, Mr. BUTTERFIELD, Mr. ROSE of New York, Mr. CUELLAR, Mr. POSEY, Mr. RESCHENTHALER, Mr. KILDEE, Ms. GABBARD, and Mr. BUCK

JUNE 8, 2020

Reported from the Committee on Natural Resources; committed to the Com-

mittee of the Whole House on the State of the Union and ordered to be printed

# A BILL

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Big Cat Public Safety  
5   Act”.

6   **SEC. 2. DEFINITIONS.**

7       (a) IN GENERAL.—Section 2 of the Lacey Act  
8   Amendments of 1981 (16 U.S.C. 3371) is amended—

9               (1) by redesignating subsections (a) through (k)  
10          as subsections (b) through (l), respectively; and  
11               (2) by inserting before subsection (b) (as so re-  
12          designated) the following:

13               “(a) BREED.—The term ‘breed’ means to facilitate  
14          propagation or reproduction (whether intentionally or neg-  
15          ligently), or to fail to prevent propagation or reproduc-  
16          tion.”.

17       (b) CONFORMING AMENDMENTS.—

18               (1) CONSOLIDATED FARM AND RURAL DEVEL-  
19          OPMENT ACT.—Section 349(a)(3) of the Consoli-  
20          dated Farm and Rural Development Act (7 U.S.C.  
21          1997(a)(3)) is amended by striking “section 2(a)”  
22          and inserting “section 2(b)”.

23               (2) LACEY ACT AMENDMENTS OF 1981.—

1                             (A) Section 3(e)(2)(C) of the Lacey Act  
2                             Amendments of 1981 (16 U.S.C.  
3                             3372(e)(2)(C)) is amended—

4                             (i) in clause (ii), by striking “section  
5                             2(g)” and inserting “section 2(h)”; and  
6                             (ii) in clause (iii), by striking “section  
7                             2(g)” and inserting “section 2(h)”.

8                             (B) Section 7(c) of the Lacey Act Amend-  
9                             ments of 1981 (16 U.S.C. 3376(c)) is amended  
10                            by striking “section 2(f)(2)(A)” and inserting  
11                            “section 2(g)(2)(A)”.

**12 SEC. 3. PROHIBITIONS.**

13                             Section 3 of the Lacey Act Amendments of 1981 (16  
14                             U.S.C. 3372) is amended—

15                             (1) in subsection (a)—

16                             (A) in paragraph (2)—  
17                                 (i) in subparagraph (A), by striking  
18                                 the semicolon at the end and inserting “;  
19                                 or”;

20                                 (ii) in subparagraph (B)(iii), by strik-  
21                                 ing “; or” and inserting a semicolon; and

22                                 (iii) by striking subparagraph (C);  
23                                 and

1                             (B) in paragraph (4), by striking “(1)  
2                             through (3)” and inserting “(1) through (3) or  
3                             subsection (e)”; and  
4                             (2) by amending subsection (e) to read as fol-  
5                             lows:

6                     “(e) CAPTIVE WILDLIFE OFFENSE.—

7                         “(1) IN GENERAL.—It is unlawful for any per-  
8                         son to import, export, transport, sell, receive, ac-  
9                         quire, or purchase in interstate or foreign commerce,  
10                        or in a manner substantially affecting interstate or  
11                        foreign commerce, or to breed or possess, any pro-  
12                        hibited wildlife species.

13                        “(2) LIMITATION ON APPLICATION.—Paragraph  
14                        (1) does not apply to—

15                        “(A) an entity exhibiting animals to the  
16                        public under a Class C license from the Depart-  
17                        ment of Agriculture, or a Federal facility reg-  
18                        istered with the Department of Agriculture that  
19                        exhibits animals, if such entity or facility holds  
20                        such license or registration in good standing  
21                        and if the entity or facility—

22                        “(i) does not allow any individual to  
23                        come into direct physical contact with a  
24                        prohibited wildlife species, unless that indi-  
25                        vidual is—

1                         “(I) a trained professional em-  
2 ployee or contractor of the entity or  
3 facility (or an accompanying employee  
4 receiving professional training);

5                         “(II) a licensed veterinarian (or a  
6 veterinary student accompanying such  
7 a veterinarian); or

8                         “(III) directly supporting con-  
9 servation programs of the entity or fa-  
10 cility, the contact is not in the course  
11 of commercial activity (which may be  
12 evidenced by advertisement or pro-  
13 motion of such activity or other rel-  
14 evant evidence), and the contact is in-  
15 cidental to humane husbandry con-  
16 ducted pursuant to a species-specific,  
17 publicly available, peer-edited popu-  
18 lation management and care plan that  
19 has been provided to the Secretary  
20 with justifications that the plan—

21                         “(aa) reflects established  
22 conservation science principles;

23                         “(bb) incorporates genetic  
24 and demographic analysis of a

1                   multi-institution population of  
2                   animals covered by the plan; and  
3                   “(cc) promotes animal wel-  
4                   fare by ensuring that the fre-  
5                   quency of breeding is appropriate  
6                   for the species;

7                   “(ii) ensures that during public exhi-  
8                   bition of a lion (*Panthera leo*), tiger  
9                   (*Panthera tigris*), leopard (*Panthera*  
10                  *pardus*), snow leopard (*Uncia uncia*), jag-  
11                  uar (*Panthera onca*), cougar (*Puma*  
12                  *concolor*), or any hybrid thereof, the ani-  
13                  mal is at least 15 feet from members of  
14                  the public unless there is a permanent bar-  
15                  rier sufficient to prevent public contact;

16                  “(B) a State college, university, or agency,  
17                  or a State-licensed veterinarian;

18                  “(C) a wildlife sanctuary that cares for  
19                  prohibited wildlife species, and—

20                  “(i) is a corporation that is exempt  
21                  from taxation under section 501(a) of the  
22                  Internal Revenue Code of 1986 and de-  
23                  scribed in sections 501(c)(3) and  
24                  170(b)(1)(A)(vi) of such Code;

- 1                 “(ii) does not commercially trade in  
2                 any prohibited wildlife species, including  
3                 offspring, parts, and byproducts of such  
4                 animals;
- 5                 “(iii) does not breed any prohibited  
6                 wildlife species;
- 7                 “(iv) does not allow direct contact be-  
8                 tween the public and any prohibited wild-  
9                 life species; and
- 10                 “(v) does not allow the transportation  
11                 and display of any prohibited wildlife spe-  
12                 cies off-site;
- 13                 “(D) has custody of any prohibited wildlife  
14                 species solely for the purpose of expeditiously  
15                 transporting the prohibited wildlife species to a  
16                 person described in this paragraph with respect  
17                 to the species; or
- 18                 “(E) an entity or individual that is in pos-  
19                 session of any prohibited wildlife species that  
20                 was born before the date of the enactment of  
21                 the Big Cat Public Safety Act, and—
- 22                 “(i) not later than 180 days after the  
23                 date of the enactment of the such Act, the  
24                 entity or individual registers each indi-  
25                 vidual animal of each prohibited wildlife

1           species possessed by the entity or individual with the United States Fish and  
2           Wildlife Service;

4           “(ii) does not breed, acquire, or sell  
5           any prohibited wildlife species after the  
6           date of the enactment of such Act; and

7           “(iii) does not allow direct contact between the public and prohibited wildlife  
8           species.”.

10 **SEC. 4. PENALTIES.**

11       (a) CIVIL PENALTIES.—Section 4(a)(1) of the Lacey  
12 Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is  
13 amended—

14           (1) by inserting “(e),” after “(d),”; and  
15           (2) by inserting “, (e),” after “subsection (d)”.

16       (b) CRIMINAL PENALTIES.—Section 4(d) of the  
17 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is  
18 amended—

19           (1) in paragraph (1)(A), by inserting “(e),”  
20           after “(d),”;

21           (2) in paragraph (1)(B), by inserting “(e),”  
22           after “(d),”;

23           (3) in paragraph (2), by inserting “(e),” after  
24           “(d),”; and

25           (4) by adding at the end the following:

1           “(4) Any person who knowingly violates sub-  
2       section (e) of section 3 shall be fined not more than  
3       \$20,000, or imprisoned for not more than five years,  
4       or both. Each violation shall be a separate offense  
5       and the offense is deemed to have been committed  
6       in the district where the violation first occurred, and  
7       in any district in which the defendant may have  
8       taken or been in possession of the prohibited wildlife  
9       species.”.

10 **SEC. 5. FORFEITURE OF PROHIBITED WILDLIFE SPECIES.**

11       Section 5(a)(1) of the Lacey Act Amendments of  
12 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting  
13 “bred, possessed,” before “imported, exported,”.

14 **SEC. 6. ADMINISTRATION.**

15       Section 7(a) of the Lacey Act Amendments of 1981  
16 (16 U.S.C. 3376(a)) is amended by adding at the end the  
17 following:

18           “(3) The Secretary shall, in consultation with  
19       other relevant Federal and State agencies, promul-  
20       gate any regulations necessary to implement section  
21       3(e).”.



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